

Applicant asserts that the above claims, readable from species I, II, III, V, and VII, presently include all of the limitations of claims 1, 12, and 34 readable on the selected species IV.

However, with respect to claims readable from these non-elected species, applicant respectfully requests constructive assistance per MPEP 707.07(j) in order to modify such claims, if necessary.

REQUEST RE REJECTED CLAIMS 48-49

Applicant fails to understand the Office Action rejecting claims 48 and 49 in that claim 48 teaches a method having a fastener portion appearing to have all of the limitations of the presently described invention including a fenestrated base and does not appear to teach the alternative device cited by the examiner. If claim 48 has been rejected on the basis of its being a process-of-use claim added after an office action per MPEP 821.03, can such a claim be rejoined as per MPEP 821.04 if a product claim is allowed? Further explanation, reconsideration, or assistance in rewriting claim 48 in an acceptable form, if appropriate, is respectfully requested.

CONCLUSION

In light of the election and discussion above, the proposed withdrawal of claims related to species VI, and the proposed additional claims, the applicant submits that the application as amended is in proper form and is now in condition for allowance. If for any reason this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. 2173.02 and 707.07(j).

Respectfully Submitted this 8th day of October, 2004



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